

ROCKY FLATS STEWARDSHIP COUNCIL

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Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders
Arthur Widdowfield

April 8, 2010

Mr. Dave Geiser
Director, Office of Legacy Management
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Ms. Carol Rushin
Acting Regional Administrator
Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202

Mr. Gary Baughman
Division Director, Hazardous Materials and Waste Management
Colorado Department of Public Health and the Environment
4300 Cherry Creek Drive South
Denver, CO 80246

RE: Rocky Flats Legacy Management Agreement – Proposed Removal of Terminal Ponds and New Surface Water Monitoring and Compliance Points

Dear Messrs. Geiser, Baughman, and Ms. Rushin,

As the Department of Energy (DOE)-designated Local Stakeholder Organization for Rocky Flats, the Rocky Flats Stewardship Council is expressing its support of the downstream communities to advocate for retaining the terminal ponds A-4, B-5 and C-2. In addition, if any proposed changes include the removal of the terminal ponds and/or the establishment of new surface water monitoring and compliance points with consideration of groundwater in alluvium, the parties should consider such action as a *significant change* from existing requirements of the Rocky Flats Legacy Management Agreement (RFLMA). The downstream communities, which are asset holders that collectively represent more than 300,000 residents, have expressed their support of retaining the terminal ponds, which serve as their last measure of protection to protect surface water quality.

The communities favor maintaining the terminal ponds primarily based on two concerns: 1) uncertainties resulting from an insufficient post-closure period of record for assessing hydrologic conditions at the site, and 2) the inability to fully evaluate the effectiveness of the remedy due to the ongoing construction activities, recent operational changes, and future plans for phased modifications at landfills and groundwater treatment systems.

In addition, the downstream communities cannot support the establishment of new surface water monitoring and compliance points due to:

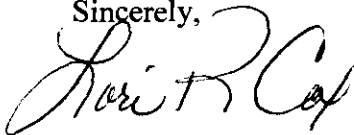
1. The lack of information related to the monitoring frequency, standards, and requirements associated with the new sites;
2. The uncertainty on how collected data will be used to measure remedy performance, maintain public and environmental safety, comply with regulatory standards, and demonstrate the effectiveness of the existing physical and institutional controls; and
3. The absence of a Contingency Plan to ensure downstream surface water quality is protected at all times.

However, in the event that a 300-foot wide right-of-way located adjacent to Indiana Street is transferred for a future roadway, the existing regulatory Points of Compliance must be relocated to the federal property boundary.

Finally, we request that DOE host a formal public meeting on the proposed changes to the Rocky Flats Legacy Management Agreement within the first two weeks after the document is published and that DOE establishes a minimum 60-day public comment period.

We appreciate the opportunity to comment on this important issue and provide support for the downstream users who could be impacted by the proposed federal actions.

Sincerely,



Lori Cox
Chair

cc: Ray Plienness, DOE
Scott Surovchak, DOE
Vera Moritz, EPA
Joe Schieffelin, CDPHE
Carl Spreng, CDPHE
Steve Berendzen, USFWS